



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBs0149/1
RPN:jld:cph

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2003 ASSEMBLY BILL 38**

August 22, 2003 – Offered by Representative PETTIS.

1 **AN ACT** *to create* 895.523 of the statutes; **relating to:** immunity of private
2 campground owners, operators, employees, and agents.

Analysis by the Legislative Reference Bureau

Under this substitute amendment, the owner or operator of a private campground, and the employees and agents of the owner or operator, are immune from civil liability for damage to property or for the death or injury to a person that occurs on the campground property under the following conditions:

1. The property damage, death, or injury was caused by the negligence or intentional or malicious act of a person other than the owner, operator, employee, or agent.
2. If the owner, operator, employee, or agent is found to be negligent, that negligence is an act of omission.
3. The owner, operator, employee, or agent were not joint tortfeasors with any other person with respect to the damage, death, or injury.

The immunity under the substitute amendment does not apply if a cause of the damage, death, or injury was caused by an intentional or malicious act of the owner, operator, employee, or agent, or by the malicious failure of the owner, operator,

employee, or agent to warn against the unsafe condition of the campground property, of which the owner or operator knew.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 895.523 of the statutes is created to read:

2 **895.523 Liability exemption; private campgrounds. (1)** In this section:

3 (a) “Private campground” means a facility that is issued a campground permit
4 under s. 254.47 and that is owned and operated by someone other than a public
5 agency.

6 (b) “Public agency” has the meaning given in s. 66.0825 (3) (h).

7 **(2)** The owner or operator of a private campground and the employees and
8 agents of the owner or operator are immune from civil liability for damage to property
9 or for the death of or injury to an individual that took place on the private
10 campground property if the negligence or intentional or malicious act of a person
11 other than the owner or operator of the campground or the employees and agents of
12 the owner or operator was a cause of the damage, death, or injury and all of the
13 following apply:

14 (a) If the owner or operator or the employees or agents of the owner or operator
15 are found to be negligent, that negligence is an act of omission.

16 (b) The owner or operator or the employee or agent of the owner or operator are
17 not joint tortfeasors with any person other than the owner or operator or the
18 employees or agents of the owner or operator with respect to the damage, death, or
19 injury.

20 **(3)** The immunity under sub. (2) does not apply if a cause of the damage, death,
21 or injury is any of the following:

